

**Evaluation of Labor-Management Models for Implementation
in the Federal Way Fire Department**

EXECUTIVE LEADERSHIP

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ABSTRACT

The Federal Way Fire Department has had a long history of conflict between the labor and management components of the fire department. The firefighters and officers, represented by the International Association of Firefighters Local #2024, and the management team have shared very little trust between them as a result of this historical tendency towards disagreeing about almost everything. As both labor and management approach the year 2000, both realize that a change in this antagonistic relationship needs to occur in order for positive progress to be made on a number of significant issues facing them.

The purpose of this research paper was to evaluate potential labor-management models for implementation in the Federal Way Fire Department. The goal was to establish a process for labor and management to work together on issues prior to them becoming another source for conflict. The study used was an evaluative methodology. The questions that needed to be answered to assist in the process were:

- 1) What successful labor-management models exist in today's fire service?
- 2) What successful labor management models exist in the private sector?
- 3) What successful conflict resolution methods exist for contractual negotiations or other conflicts in today's fire service?
- 4) What successful methods exist for dealing with grievances in today's fire service?

This project was initiated by conducting research at the National Fire Academy in the Learning Resource Center. Research was also conducted utilizing the Federal Way Fire Department training library, the Pierce County (WA) Library System, as well as the King

County (WA) Library System. The Internet was utilized through the Prodigy Web Browser as well as the Microsoft Netscape Navigator. A survey was developed and sent to area fire departments with regards to methods they utilize to work together with their firefighter's labor union on issues, or to resolve conflicts.

After the research was completed, this author worked with members of the Federal Way Fire Department Administrative Team, Board of Fire Commissioners, and the I.A.F.F. Local #2024 Union Executive Board to develop and implement a process to be utilized for addressing issues and attempting to resolve conflicts. The result of this work is still ongoing. However, both labor and management are committed to improving relationships and implementing a collaborative process of working together on issues of mutual importance.

This author recommends that every fire department analyze their current relationship with their associated labor groups. Labor and management should take a page out of the private sector's book and learn to work together on issues prior to them becoming conflicts. Working together provides for a much stronger fire department, and assures that the greater portion of our combined energies are spent working towards improving the level of service provided to the community we serve.

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INTRODUCTION

The Federal Way Fire Department, a fire district in the State of Washington, has had an antagonistic relationship exist between labor and management for well over twenty years. In the late 1970's and early 1980's, conflicts over contractual negotiations lead to both sides developing a strong dislike for one another. Issues that were supposed to be addressed only at the negotiating table eventually lead to personality conflicts away from the formally established process. Eventually, a strong lack of trust developed between both labor and management that has been the cause of numerous conflicts over the years.

A significant problem identified by both the Federal Way Fire Department's Administrative Team, and the Labor Union representing the firefighters and officers of the department, was how to build a better relationship between the antagonistic members of labor and management. Both labor and management desired to develop a process to work together on issues of mutual importance, and to resolve conflicts before they became much worse than they needed to be. The purpose of this research paper was to evaluate labor-management models for implementation in the Federal Way Fire Department. It was hoped that a collaborative model to work together on issues could eventually rebuild trust and get both labor and management working together for the betterment of the department.

The evaluative methodology was utilized to research the potential development of a labor-management model for resolving issues and conflicts. The questions that needed to be answered in the process were:

- 1) What successful labor-management models exist in today's fire service?
- 2) What successful labor-management models exist in the private sector?

- 3) What successful conflict resolution methods exist for contractual negotiations or other conflicts in today's fire service?
- 4) What successful methods exist for dealing with grievances in today's fire service?

BACKGROUND AND SIGNIFICANCE

The Federal Way Fire Department has been in existence since February of 1949. The department is a fire district within the State of Washington. Funding is limited to ad valorem property taxes of \$1.50 per \$1,000 of assessed property values, plus a small amount from permits and service contracts. While the department operates on an annual budget of nearly ten million dollars, the limited ability of the department to access large amounts of funding outside of the property tax limitation has caused the department to operate with a lean budget for many years. This lean budget created some of the initial conflicts between management and labor in the late 1970's.

The International Association of Firefighters (I.A.F.F.) Local #2024 represents all firefighters and officers in the Federal Way Fire Department. There are nearly one hundred employees represented by Local #2024, whom shall hereafter be referred to as the Union in this research paper. The Union does not represent any of Chief Officers nor the Board of Commissioners for the department. They make up the Administrative Team for the department, whom shall hereafter be referred to as Management in this research paper.

The Federal Way Fire Department Management team and the Union representatives began a long road towards developing an antagonistic relationship in the late 1970's

when wages for the officers and firefighters were not established at levels of many surrounding departments. The lean budget of the department caused Management to try to keep costs down. The Union felt this was being done at the expense of paying the firefighters and officers a fair wage. After several years of bitter contract negotiations, the Union pushed the 1981 contract negotiations into interest arbitration. The process for interest arbitration could fill an applied research paper all by itself, but suffice it to say that a neutral party considered both sides of the issue and made a decision which was binding on both Management and Labor. The decision rendered by this neutral party, known as an arbitrator, effectively increased the firefighters and officers wages by over 13.4% in one year's time. This brought the firefighters and officers into parity with the surrounding departments.

Management had to scramble to find a means of affording this large pay increase. Management openly discussed the potential of layoffs. This caused the Union to react harshly, and in an outspoken manner, against the Management team. Through several heated meetings between the Union and Management teams, a compromise on the wage increase was finally reached which allowed the wage increase to be phased in over a one-year period rather than all at once. While this may have been perceived as Management and the Union working together, it actually was a case where both sides were forced to compromise to save the threatened jobs of several firefighters. The damage had been done, and the relationship between Management and Labor was now headed into a very bleak period.

Throughout the 1980's a lack of trust between Management and Labor lead to many grievances and unfair labor practice charges being raised by the Union. Management felt

that Labor was greedy and wanted to run the department. Labor felt that Management was heavy-handed, and utilized threats or intimidation to get their way on issues. Contract negotiations were usually heated and routinely ended up in mediation, whereby a neutral party had to be brought in to work with the parties to resolve contractual issues. The relationship between Management and Labor did not seem to improve as many older Chief officers retired and new ones took their places. Even though the new Chiefs came directly out of the Union, the distrust of the positions still existed. This was particularly puzzling when prior members of the Union Executive Board became Chief officers. It was as if the moment a Union member became a member of Management, they could no longer be trusted. The relationship then hit an all-time low in the spring of 1996.

On April 15, 1996 the Federal Way Fire Department was involved in a clandestine drug lab emergency which eventually led to litigation against the department. Two female police officers were decontaminated at the scene of the incident due to potential exposure to toxic chemicals. The police officers later made claims that Federal Way Firefighters had peeked and gawked at them while they were nude during the decontamination process. They also claimed that several firefighters made rude comments about them at the scene. This led to formal complaints and a lawsuit brought against the department.

The Management team decided to bring in an outside agency to thoroughly investigate the incident, and the behavior of the firefighters at the scene. The Washington State Patrol (W.S.P.) agreed to have their Internal Affairs officers conduct the investigation for the department. After a thorough investigation, the W.S.P. concluded that peeking and gawking by the firefighters could not be substantiated. However, the W.S.P. did find that

inappropriate comments were made by several firefighters about the female officers, but not at the scene of the incident. The comments made took place back at the fire station, where the firefighters considered themselves to be at their home away from home. Irregardless, the comments were of such an obscene nature that the fire department ended up paying out \$105,000 to each of the female officers at the insistence of the department's insurance company. The insurance company did not want to have to go into a court trial with the comments that were made about the female officers, and the potential of the case growing even larger.

Several firefighters received significant discipline related to the incident. This set off a new wave of anger throughout the department directed against the Management team. This anger stemmed from the fact that Management did not stand up for the firefighters against the police officers. The Union leaders also voiced harsh criticism against Management for allowing an outside agency to dig so deeply into their investigation of the incident. Newspapers, television reports, and radio programs all took their turns in criticizing the fire department and its actions at the drug lab. The year's 1996, 1997 and on into 1998 were very difficult ones for all members of the department as a result of the drug lab incident. The lack of trust grew between Management and the Union to a point where the gap could be referred to as mimicking the Grand Canyon.

Then, in early 1998, nearly one-third of the department was involved in a facilitated retreat to try and work through the issues that have separated Management, the Union, and the employees for so many years. After four hard days of work, open discussions, and a great deal of introspection, all retreat participants agreed to work diligently towards making the future a more positive one for all members of the organization. Management

agreed it had made mistakes in the past, and was willing to work towards a brighter future. The Union agreed that it had also made mistakes, and expressed the same resolution towards trying to work together. All, however, agreed that it would take a lot of work and commitment to erase the problems of the past. All also agreed that “lip service” was not going to get the job done, and that action would speak much louder than words in turning things around.

This is where the concept of formalizing a labor-management model to work together on issues before they become major conflicts began. The National Fire Academy course titled “Executive Leadership” identifies labor relations as one of the most important areas leaders of the future need to concentrate on. Both the Union and Management have expressed a willingness to work together on issues related to improving our level of service to the community, and to try to find a means to work through conflicts. Agreeing to try to find a model was the first step towards potential success.

LITERATURE REVIEW

Numerous books, periodicals, manuals, and Internet documents were reviewed as the evaluation of a labor-management model for the Federal Way Fire Department was undertaken. The review of available literature looks at labor relation’s challenges, the fire service and its relationship with labor, and also the private sector and how it compares.

Labor-Management Problems/Challenges

William S. Johnson (1995) writes that “Fire Chiefs who manage a unionized fire department face a challenge that, in many cases, can be very rewarding, providing the fire

chief is aware of relevant labor laws, maintains integrity in dealing with firefighters and, above else, takes part in labor-management negotiations” (pg. 271). He further examines the fact that the key to settling differences between the parties is “the willingness of both sides to sit down and discuss the problem” (pg. 271).

John Kilgour (1981) examines the fact that most Union leaders, and too many managers, fail to “recognize the importance and character of the new wave of employee relations now sweeping the United States” (pg. vii). This has definitely been the case with the Federal Way Fire Department over the years, and thus the topic for this applied research paper.

The manual on *Handling Grievances-A Guide for Management and Labor* (1976) not only illustrates the grievance process, but it also examines the core problem and cause of many employee grievances. The author, Maurice Trotta, writes that “mutual distrust and antagonism between management and the union cause a bad company climate, which obstructs the resolving of grievances” (pg. 17). He further identifies that the bad climate can be the leading cause of additional grievances from employees against their organization.

Hugh Strawn (1989) writes that “many management problems may be traced to poor communications ability” (pg. 40). He goes on to assert that “listening, or rather failure to listen effectively, is a major communications pothole” (pg. 40). This concept could potentially be applied to both labor and management.

The authors of *Problems in Labor Relations* (1964), Benjamin Selekman, Stephen H. Fuller, Thomas Kennedy and John M. Baitzell, write that “the maturity required of management and union personnel” (pg. 3) is a direct link to maintaining “the stability and

efficiency of the entire work community” (pg. 3). This rings as true today as it did back in 1964.

Maurice S. Trotta (1976) identifies the fact that “some union officials do not know how to handle labor-management problems” (pg. 20). He goes on to state that, unfortunately, many union officials “assume a belligerent attitude toward management which precludes intelligent dialogue and problem-solving” (pg. 20).

Ronny Coleman (1989), a recognized leader in the fire service, writes “it appears that most of the labor problems in fire departments are caused by bad management” (pg. 44). This is a pretty bold statement for someone so well thought of in fire service circles. However, he goes on to explain further that “conversely, most of the management problems in fire departments are created by bad labor” (pg. 44). In essence, Coleman is illustrating that the blame should be shared by both labor and management for problems that exist. The pinnacle would be to resolve to work together and make everyone’s job easier.

Coleman (1989) also writes that “there are many organizations with strong management and strong labor groups. They are locked in a veritable death struggle that results in no one winning anything” (pg. 44).

Dennis Rubin and Jerry Klarsfeld (1989) sum up the fact that “managers in the fire service are faced with daily dilemmas focusing on change, conflict and motivation” (p. 80-81). The successful organization works together on these issues, something the Federal Way Fire Department has finally recognized.

Negotiations and Conflict Resolution in the Fire Service

The fire service has many ways to work through negotiations and conflicts utilizing a formal process. Grievances are typically identified in Union contracts as to method of resolution for employee matters. With regards to negotiations, most states have processes spelled out in law as to how negotiations are to take place between fire department labor and management representatives. This section shall identify issues related to grievances, negotiations, and conflict resolution in a formal process.

Grievances are what employees typically file when they feel they have been wronged by management on an issue, or several issues. Maurice S. Trotta (1976) writes that “many grievances are caused by the failure of human beings to communicate properly” (pg. 6). This has truly been the case for many years in Federal Way. Trotta goes on to identify that “over 95 percent of all collective bargaining agreements contain a grievance procedure terminating in final and binding arbitration” (pg. 111).

Charles J. Coleman (1990) states that “when disagreements are serious, the employees usually appeal through the grievance procedure laid down in the collective agreement” (pg. 138). This is a formal process wherein the employee brings in his/her problem and expects it to be worked out. The Federal Way Fire Department faced multiple grievances during the 1980’s, and had to utilize the formal process to work towards resolution of them.

Hush Strawn (1989) writes that “too often people needlessly become adversaries because they fail to understand what the other person is trying to say” (pg. 45). This concept can be applied to both grievance resolution, as well as to relationships on the whole.

Maurice S. Trotta (1976) identifies the “sources of grievances” (pg. 29-43) typically causing management many problems:

- 1) Wrong attitudes
- 2) Weak supervision
- 3) Unjust discipline
- 4) Favoritism and inconsistency
- 5) Promises to employees
- 6) Failure to eliminate sources of irritation
- 7) Unclear orders and inadequate instructions
- 8) Failure to keep employees informed
- 9) Failure to dispel rumors
- 10) Failure to listen and consider employees’ viewpoints
- 11) Failure to consider employees’ best interests
- 12) Incomplete understanding of labor contract

Trotta (1976) goes on to identify how top management should “deal with employee relations” (pg. 72) such as grievances:

- 1) Get the facts
- 2) Weigh and decide
- 3) Take action
- 4) Check results

While grievances deal with specific employee concerns, contract negotiations deal with employee and management desires as to establishing wages, hours and working conditions. Will Aitchison (1991) identifies that “the vast majority of states in the country

have enacted comprehensive public sector collective bargaining laws” (pg. 1). He goes on to clarify that “most of those laws call for the processes of fact-finding and/or arbitration to follow a period of good faith negotiations, at least with respect to certain types of bargaining units” (pg. 1). The Federal Way Fire Department entered the realm of arbitration in 1981, with results that haunted the department’s morale for many years.

Charles S. Loughran (1984) states that “there is no such thing as a typical or normal labor contract negotiation” (pg. xx). He goes on to write that “the N.L.R.B. has classified the potential subject matter of collective bargaining into three basic categories” (pg. 116-117). Those categories are as follows:

- 1) Mandatory. These are subjects over which the parties must bargain if requested to do so. These include wages, hours and certain working conditions.
- 2) Permissive. These are subjects over which the parties may bargain, if they so wish, but are not required to do so. These include the parties to be included in the collective bargaining unit, legal liability or indemnification clauses, mutual aid plans, and many others.
- 3) Illegal. These are subjects over which the parties may not bargain, even if they wish to do so. These are typically identified by State or Federal law.

Joyce M. Najita, Benjamin Aaron, and James L. Stern (1988) identify the fact that ‘collective bargaining is now the dominant process for determining the employment and conditions of state and local government employees in many jurisdictions” (pg. 160).

The Baseline Data Report (1989) examines that “when it comes to pure labor relations or collective bargaining, state law drives the process” (pg. 1). The report goes on to state

that “as important to employers as to employees is the responsibility implicit for both parties in the work relationship” (pg. 9).

The public sector now employs “more than sixteen million civilians” (pg. xiii) in the United States according to Charles J. Coleman (1990). Coleman goes on to write that “these people have become the most fully unionized employees in the country, and millions of them routinely settle their disputes with their employers through collective bargaining” (pg. xiii).

Coleman (1990) also identifies that “a union may understand management’s need to control operations, but its job is to protect its people from unfair, arbitrary, or capricious treatment” (pg. 191).

The review of literature speaks to resolving employee concerns through established grievance processes, and the matters associated with wages, hours and working conditions through the formal negotiation process. Both of these processes have existed within the Federal Way Fire Department for many years. Yet, the problems of conflict between the Union and Management still exist. The next step would be to examine possible solutions in both the private sector, as well as within the fire service itself.

Private Sector Relationships

The key word that this author finds in many of the articles and books associated with private sector employee relationships appears to be cooperation. Benjamin M. Selekman, Stephen H. Fuller, Thomas Kennedy, and John M. Baitzell (1964) write that cooperation is the structure “characterized by the fact that the parties extend mutual concerns beyond the familiar matters of wages, hours, and conditions” (pg. 7).

Tom Peters (1981) examines that in successful private sector companies, managers “treat people as adults” (pg. 238). He goes on to state that managers should treat employees “as partners; treat them with dignity; treat them with respect” (pg. 238). Peters then goes on to clarify that “excellent companies are measurement-happy and performance oriented, but this toughness is borne of mutually high expectations and peer review rather than emanating from table-pounding managers and control systems” (pg. 240).

Several years later, Tom Peters and Nancy Austin (1985) further identify the fact that “most who view unions as the problem don’t view people as the solution, to begin with” (pg. 247). This appears to be a key item to consider as the Federal Way Fire Department works towards improving overall labor relations.

In his 1987 book *Thriving On Chaos*, Tom Peters states that successful private companies “involve everyone in everything” (pg. 283). He states that “the self managing team should become the basic organizational building block” (pg. 297). He goes on to clarify that “the power of the team is so great that it is often wise to violate apparent common sense and force a team structure on almost anything” (pg. 302).

Hugh Strawn (1989) writes that “successful leaders are sensitive to people because they listen to the needs of their followers” (pg. 45). This is interesting in that it is written from the view of the fire service.

Ronny Coleman (1989) appears to echo that sentiment when he writes that management must recognize that employees “are part of the same organization, and that this organism will not survive or grow unless they work together to achieve commonly held goals” (pg. 50).

Benjamin M. Selekman, Stephen H. Fuller, Thomas Kennedy and John M. Baitzell (1964) write that in the successful organization “the union accepts managerial problems as being of concern to labor; management recognizes its stake in stable, effective unionism; together, they dispose of problems as they arise” (pg. 7).

This author has now examined the challenges associated with labor relations, formal processes that can be utilized to resolve issues, and how several leaders identify successful private sector labor relationships. The final area to examine in available literature is the successful methodology to promote cooperation between labor and management in the fire service. Do any cooperative arrangements exist? This next area will examine several ideas with regards to a potential model.

Cooperative Labor-Management Relations

Richard C. Kearney (1984) writes “the labor-management committee is the form which worker participation has taken in the American public sector” (pg. 268). He goes on to state that “the concept of worker participation in decisions affecting them and their conditions of work has long been advocated by writers and theorists in employee motivation” (pg. 268).

Robert H. Brown (1997) examines the fact that “Labor-Management Committees are a voluntary process of labor and management personnel working together with common goals of anticipation, resolving mutual problems and improving day-to-day working relationships” (pg. 9). He goes on to clarify that “this is a mutually developed process with an established structure for joint control, written ground rules, direct and

representative participation, frequent and timely feedback, sharing of information and expertise, collaborative problem solving and consensus decision making” (pg. 9).

Brown (1997) clarifies his statements by writing that “labor-management cooperation is not the end all to organizational problems. Union-management cooperation is not the absence of conflict” (pg. 12).

Ronny Coleman (1989) writes that “in the most hostile of adversary relationships, war, we have managed to establish the Geneva Convention’s rules of warfare” (pg. 44). He goes on to write “yet, in an organization’s labor relations, there is often no set of ground rules that control the behavior, response reaction, and open conflict that occurs as a result of labor/management relationships” (pg. 45).

John G. Kilgour (1981) writes “management should direct its attention at giving the Union leadership what it needs to survive and prosper so that it may become responsible” (pg. 305).

Will Aitchison (1994) identifies the components that should make up a pro-active Labor-Management Committee from the viewpoint of labor, and in the form of a contractual agreement:

- A) There shall be a Labor-Management Committee consisting of two (2) representatives from the Association and two (2) representatives of the Employer. The purpose of the Committee is to facilitate improved labor-management relationships by providing a forum for the free discussion of mutual concerns and problems which may include discussion of the implementation of major new department programs or substantial

modifications of existing major department programs that will have significant impact on work schedules or duties.

- B) The Committee shall meet quarterly at mutually scheduled times, and at any other mutually scheduled times.
- C) The Chairmanship of the Committee shall be rotated amongst the members. The members shall, in advance of a meeting, provide the meeting's Chairman with proposed agenda items, and the Chairman shall provide the members with the meeting agenda in advance of the meeting.
- D) Representatives of the Association on the Committee who are employees shall not lose pay or benefits for meetings mutually scheduled during their duty time.
- E) The Committee may be supplemented by representative(s) of the City Manager if it is proposed to discuss mutual aid or fire protection contract matters.
- F) The Committee may, if it deems proper, suggest recommendations to the Fire Chief and the City Manager for their consideration and determination.
- G) Any matter referred to in this Article may be discussed by the Committee at the request of any member of the committee.

Richard C. Kearney (1984) states that "although work place democracy has been widely accepted in several European countries and experimented with in some large American corporations, it is a quite recent phenomenon in public employment in the United States" (pg. 268).

Robert Brown (1997) writes “there are benefits to management shared with labor in many cases” (pg. 11). He further states that “cooperative efforts can potentially increase worker commitment and help employees to identify with company goals” (pg. 11).

Brown (1997) goes on to state “cooperative efforts between unions and employers are based on uneasy or delicate partnerships, and that sufficient trust between managers and union leaders must be developed over time” (pg. 13). He writes that “there must be a willingness by management to leave its authoritative hat at the door” (pg. 13). He also writes that “the union must be willing to go in and make suggestions to improve the quality of work and reduce the inefficiency of the plant” (pg. 13).

Ronny Coleman (1989) writes that the successful labor-management model must contain “a communications process in which labor must feel free to express its issues without fear of reprisal” (pg. 48). He goes on to state that “management must be free to state its vision of the future and desire to direct the organization without fear of recalcitrant and unwilling support” (pg. 48).

PROCEDURES

A review of available literature was the first step in the process of evaluating the possible implementation of a labor-management model to resolve long standing issues facing the Federal Way Fire Department. Books, manuals, magazines and other publications were reviewed from the training library at the Federal Way Fire Department, as well as from the Learning Resource Center at the National Fire academy in Emmitsburg, Maryland. Literature was examined from the public libraries located in King County (WA) and Pierce County (WA). The Internet was utilized via the Prodigy

Web Browser and the Microsoft Netscape Navigator to access articles, and individual thoughts, with regards to implementing a model to improve labor relationships.

The review of available literature pointed out the formal processes that could be utilized for labor relations and conflicts, as well as a new methodology that is being attempted throughout both public and private organizations. This established a framework for the model this author was looking to develop. The books and publications were insightful and relevant to the topic. The Internet sites, though not exactly what this author was looking for, also provided some good information on the subject of labor relationships.

Following the review of available literature, a written survey was sent out to a number of fire departments in the Western Washington area (Appendix B). This survey was used to determine the methodologies employed by fire departments in the same general geographical area as the Federal Way Fire Department with regards to their labor-management approaches. The survey queried the departments as to their methods for resolving conflicts, and if they had a cooperative relationship with their labor group. The results were tabulated and maintained for comparison purposes (Appendix C).

The next step in the procedure was to meet with the Federal Way Fire Department Administrative Team, the Board of Fire Commissioners, and the firefighter's Union, I.A.F.F. Local #2024. The purpose of this meeting was to first develop a concept of how future labor relations would be handled by all concerned. The final step would then be to develop a cooperative model for handling labor issues, future departmental issues, and resolving of conflict.

The limitations of the procedures utilized for this research included the fact that the cooperative approach to labor relations in the fire service is still a new phenomenon. Many departments have historically had an antagonistic relationship between management and labor, and thus there is not a great deal of literature on new methodologies for cooperative labor relationships in the fire service. What this author found, however, appeared to be relevant and insightful.

In addition, a small sample was utilized for the survey. This author purposely limited the number of survey instruments sent out in the process to fire departments in the Pierce and King County areas. Both of these are large Counties within the State of Washington located very near to Federal Way geographically. All of the departments in this area must deal with the same laws that pertain to labor relations, and are operating within a very similar set of economic conditions. To compare with other departments outside of this geographical area could have skewed the results due to differences in labor laws and socio-economic standards.

RESULTS

The answers to the research questions were obtained through a review of available literature and the survey instrument. While not all that expansive due to the relative newness of the subject related to cooperative efforts between management and labor in the fire service, definitive answers were provided to the questions that were asked.

The first question that was asked was, "What successful labor-management models exist in today's fire service?" The answer in the review of available literature was that many departments are heading towards a cooperative "Labor-Management" team

concept. Within this concept, labor and management leaders meet on a regular basis to work through issues of concern to both sides. Issues which used to become matters of conflict are now worked out in a very open manner, with management actually letting labor participate in the decision making process.

The survey instrument asked if members of the Management Team met on a regular basis with members from the Labor Union Executive Board. Of the twenty departments who responded to the survey, eleven of them meet together on at least a monthly basis. Two departments holds meetings on a weekly basis, while three other departments meet either annually or on an as-needed basis. There were only four of the departments who were surveyed in the same geographical area as Federal Way who did not meet on a regular basis. The results appear to show that the trend of meeting on a regular basis has become more the norm than the exception, at least in the departments who were surveyed.

The survey also showed that of the departments surveyed, the majority of the departments who held meetings on a regular basis between Management and Union leaders used words like “open and honest”, “trusting”, “professional” and “cooperative” to describe their relationship. Only one department described the relationship as “antagonistic”, while a mere three described the relationship as “guarded”.

Conversely, only one of the departments that do not meet on a regular basis described their relationship as “trusting”. The responses from those departments were equally spread between describing the relationship as “guarded”, “open and honest”, “professional” and “cooperative”. Based on the responses to the survey, it appears that meeting on a regular basis would tend to improve the relationship between Management

and Union leaders, at the very least with regards to improving the level of trust that exists.

The second question that was addressed was, “What successful labor-management models exist in the private sector?” To research this question, this author utilized several Tom Peters books to find the successful approaches utilized by some of the top businesses around the world today. Peters addressed the fact that all employees must be involved in making organizations better. He spoke directly to self-managing teams and a cooperative spirit being shared between labor and management. Peters (1987) addressed the fact that in the top organizations “the power of the team is so great that it is often wise to violate apparent common sense and force a team structure on almost anything” (pg. 302).

Maurice Trotta (1976) also addressed the items that top management should consider in its model for effective performance related to labor and employee relations. Trotta wrote that top management should (pg. 70-71):

- 1) Select foremen and supervisors with potential to handle people as well as technical competence.
- 2) Provide intensive training courses for new supervisors and periodic refreshers.
- 3) Establish good personnel policies and practices.
- 4) Create a climate for good human relations throughout the company.
- 5) Explain new contract provisions.
- 6) Set up periodic conferences during which top management can discuss new concepts in employee relations.

The third question was, “What successful conflict resolution methods exist for contractual negotiations or other conflicts in today’s fire service?” This was answered by a review of the available literature, as well as local labor laws for the State of Washington regarding fire departments.

The State of Washington has a binding arbitration process for collective bargaining negotiations. Under State Law, R.C.W. (Revised Code of Washington) 41.56 provides for the following:

- 1) A period of not less than 60 days of collective bargaining between the parties.
- 2) If an impasse is reached, the parties may request a Mediator through the Public Employees Relations Commission (P.E.R.C). The Mediator will attempt to work with both parties in an effort to reach an agreement. The Mediator is a neutral party with experience in labor negotiations and contracts.
- 3) If an impasse is still reached, the Mediator may then send the contract articles at impasse to an Arbitrator or Arbitration Tribunal. The Arbitrator will then hear the case presented by both parties with regards to the contract articles at impasse, and shall render a decision on the articles which shall be binding upon both of the parties. This is known as “binding arbitration”.
- 4) During this process, R.C.W. 41.56.490 prohibits any uniformed employees within the fire or police services within the State of Washington from striking.

The aforementioned process is a formal process for contract negotiations. With regards to individual employee concerns, virtually all labor contracts within the State of Washington have provisions spelled out for the handling of employee grievances. A set process of formally filing a grievance and having it researched at different levels within the organization exists throughout the fire service. Some contracts, such as the contract between the firefighters represented by I.A.F.F. Local #2024 in Federal Way and the Federal Way Fire Department, provide for several steps in the grievance process with each step allowing the employees concern to be heard by someone of higher rank in the organization. Eventually, an employee who does not feel their grievance has been handled to his or her satisfaction can actually have the grievance presented to an arbitrator for final resolution. As in contract negotiations, the arbitrator's decision is binding upon both parties (see Appendix D).

The State Law in Washington also provides another formal process for employees to follow should they feel Management has treated them unfairly. R.C.W. 41.56.140 states that it shall be an unfair labor practice for a public employer:

- 1) To interfere with, restrain, or coerce public employees in the exercise of their rights.
- 2) To control, dominate or interfere with a bargaining representative.
- 3) To discriminate against a public employee who has filed an unfair labor practice charge.
- 4) To refuse to engage in collective bargaining.

The State Law in Washington also provides a formal venue for public employers to file unfair labor charges against employees or their bargaining representative. R.C.W.

41.56.150 states that it shall be an unfair labor practice for a bargaining representative:

- 1) To interfere with, restrain, or coerce public employees in the exercise of their rights.
- 2) To induce the public employer to commit an unfair labor practice.
- 3) To discriminate against a public employee who has filed an unfair labor practice charge.
- 4) To refuse to engage in collective bargaining.

The State of Washington has empowered P.E.R.C under R.C.W. 41.56.160 to prevent any unfair labor practices, and to issue appropriate remedial orders. Again, the remediation is binding upon both of the parties.

The collective bargaining process, grievance process, and unfair labor process are all examples of formal methods to resolve conflict within the fire service today. However, as Trotta (1976) states, "If management and labor representatives involved in the grievance-arbitration process in both sectors understood the causes of grievances and followed some well-established principles on how to avoid them, or to settle them when they arose, the amount of time, money and aggravation spent handling them could be substantially reduced" (pg. vii). Trotta (1976) then identifies the obvious when he states, "The grievance-arbitration process has made managerial decisions subject to analysis by an arbitrator who has the power to modify or revoke them" (pg.14).

The fourth, and final, question was, "What successful methods exist for dealing with grievances in today's fire service?" As illustrated in question three, a formalized method

has been established in most labor contracts in today's fire service for handling employee grievances. The literature reviewed by this author spoke to the formal process as being the historically used method for resolving employee grievances or concerns. However, the survey instrument also pointed out some new methodologies being utilized by some departments to work through issues before they become grievances.

The survey instrument asked if the departments have a formal grievance procedure spelled out in the contract for firefighters and officers represented by their labor Union. All twenty of the responding departments have this formal process in their labor contract. In addition to this formal component, fifteen of the responding departments have a Labor Relations Committee with representatives from labor and management who meet on at least a regular basis. Sixteen of the responding departments hold meetings on at least a regular basis with members of the Management Team and Labor Union Executive Board present. While not a tangible result of the survey, it would appear that a majority of the responding departments are trying to resolve issues that exist between Management and Labor in an arena other than the formal process established via the grievance procedure.

Overall, the findings supported by the literature review and the survey instrument supported the potential implementation of a Labor-Management model to improve relationships between the parties. Information gleaned from the survey instrument, as well as the input received as a result of the literature review, would be extremely useful in the development of a labor-management model for the Federal Way Fire Department.

DISCUSSION

Throughout this research process, from the review of available literature to the survey instrument, the importance of improving labor relations was emphasized as a critical component for the future success of any organization. For the Federal Way Fire Department, putting behind the many years of antagonistic relations and lack of trust would not be an easy process for either Management or the Union. However, the goal of improving the relationship would have to eventually be reached if the department desired to work proactively to improve its overall level of service to the community. Both labor and management need to be working together, rather than against one another, for the future success of the department heading into the new millennium.

The literature showed that a model would need to be developed which would provide for a method of allowing Union input into the decision making process of Management. The survey instrument appeared to support the concept, at least as related to establishing a routine of meeting on a regular basis with Union leaders to resolve issues before they become true problems. In order for the Union to feel that it truly has valid input into the operations of the department, Management would have to be willing to put their own view of the past behind them. Management would have to be willing to work hand-in-hand with the Union as a partner to as great an extent as possible.

The Union, on the other hand, would have to be willing to trust the Management team. The Union would have to realize that Management has been empowered to direct the organization and to establish the vision for the future. Union leadership would have to be willing to embrace the opportunity to provide input to Management, and not to criticize them when everything does not go their way.

This author has been convinced by the review of the literature and survey instrument that the Federal Way Fire Department could, indeed, improve the overall relationship between Management and the Union. This could only take place, however, if both sides were willing to attempt the team approach to handling issues and potential conflicts. A model could be developed to establish the framework for working together. Without the commitment of Management and Union leaders to make it work and to put the past behind them, the model would be no more than just words on a piece of paper. A true commitment to involve both Management personnel and Union leadership in setting the direction for the department would have to be demonstrated by everyone involved.

The citizens of Federal Way deserve the highest level of service possible from the Federal Way Fire Department. The citizens will not continue to receive a high level of service if Management and the Union continue to bicker, fight, and work in opposite directions. This author truly believes both sides want to work together, they just have not had the tools to be able to do so. The key, it appears, would be to get both Management and Labor to commit to a model that will provide them with the tool to make it happen.

RECOMMENDATIONS

This author has already seen a great deal of progress being made in trying to improve the relationship between labor and management in the Federal Way Fire Department. Two retreats had been held during 1998 to open the communications between the employees, the Union and Management. The Management Team has been meeting with the Union Executive Board on a monthly basis to discuss items of importance to both sides. While not always successful in working through issues, at least both sides have

shown a willingness to talk openly about issues and to try to resolve them. Finally, on a quarterly basis, two representatives from each of the Board of Fire Commissioners, the Administrative Team, and the Union Executive Board began to meet to discuss items related to the departments future direction. These meetings, initiated in 1998, further opened the door to communications and trying to improve relationships that have been eroded over the past twenty years.

The steps identified above were small steps towards healing the problems of the past and looking towards the future. The next step would be to develop a true “Labor-Management Model” to establish the methodology for working together on a vast array of issues in a cooperative manner. The development of the model would need to include an analysis of the problem, establishment of a plan to implement the new process, a chosen implementation model, and ongoing evaluation of the model.

Analysis

In this phase of the process, the department opened discussions with the Union, Management Team, and Board of Fire Commissioners covering an array of the problems associated with the past so that they were at least out on the table. Then, all needed to commit to put the problems of the past behind them, use them as lessons for the future, and to support making future relations much better.

A specific “Labor-Management Model” then needed to be developed and formalized on paper to ensure that everyone involved in the process understood what was agreed to. This had been a problem in the past, and would therefore be used as a lesson for the

future. All parties agreed that the model needed to include some of the following components:

- 1) Identification of the individuals to be included in the process. These individuals would be established as the “Labor-Management Team”.
- 2) Identification of issues to be discussed by either party on the team.
- 3) Identification of the consensus process for making decisions on issues.
- 4) Identification of a method for resolving disagreements or conflicts.
- 5) Identification of final resolution to areas where the parties just can not agree to a solution by consensus. An agreement would also need to be built into this which would identify that all parties on the team would not openly criticize the other should a resolution not be reached by either party on any issue.

Draft models were developed that included the aforementioned components. After having numerous open discussions, the actual verbiage for a “Labor-Management Model” was finally agreed upon by all the parties involved (Appendix E).

Planning

The next phase of the process was to finalize the model in a written format which both Management and the Union could support (Appendix E). This process would then have to be explained to all employees in the department so that they understood the nature of the efforts being undertaken to improve the overall operation of the department. The Union, Board of Fire Commissioners, and Management team all needed to sign the document to show that they would support the model in its entirety. With the support of all the parties,

and the employees educated as to the use of the model, the next phase would be to place it into action.

Implementation

The next phase of the process was to actually put the “Labor-Management Model” into place. The model was given the title of the “Federal Way Fire Department Labor-Management Leadership Committee”, although it was simply referred to as the “Joint Labor-Management Committee”. It would be critical for Management to support the model, even though they were giving up some of their power by involving the Union in the decision making process. It would also be critical for the Union to give the model a fair chance to work, without criticizing every management decision as they have in the past. Decisions coming out of the “Labor-Management Team” would have to be openly communicated and supported by everyone involved. Even when a final resolution can not be reached, all of the participants would still need to be supportive of the process.

In an attempt to put years of unrest behind them, the “Labor-Management Model” was signed and adopted by the Union, Management team, and the Board of Fire Commissioners in the late summer of 1999 (Appendix E). The goal of actually implementing a model to promote cooperation and understanding had been reached.

Evaluation

Once adopted, the model would need to be evaluated on an ongoing basis. Any changes needed to improve the model would have to be jointly agreed to by the Union, Management Team, and the Board of Fire Commissioners. As of the time this paper is

being written, the model has been up and in existence for several months without any changes to date. All parties still need to remain open to change, as nobody can predict what circumstances the future may hold.

Summary

The Federal Way Fire Department has had to endure an antagonistic relationship between Management and the Union for well over twenty years. Both sides have been worn out in the battle, with many scars to show for their efforts. The adoption of a “Labor-Management Model” to work through issues in a positive manner has been a positive step towards improving the relationship. Employees are now involved in helping to make decisions and to help establish the direction the department will go in the future.

Formal processes for resolving employee grievances, unfair labor practices, or to collectively negotiate a contract have remained in place. However, the “Labor-Management Model” is slowly becoming the trigger for firing up all personnel throughout the organization. After more than twenty years of battling, the majority of the employees have agreed that it is time to put down the weapons of the past and to adopt a concept of working together as we head towards the new millennium. Can it be done? Only time will tell. However, with the implementation of the “Labor-Management Model”, the Federal Way Fire Department is poised to head into the next millennium in a positive and team-oriented manner. Compared to the past, the future looks bright.

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APPENDIX A

Survey Cover Letter

August 1, 1999

Dear Chief _____:

I am currently working on a project both for my fire department, as well as for an applied research paper as part of the National Fire Academy “Executive Fire Officer” program.

The project I am working on is “evaluation of labor-management models for implementation in the Federal Way Fire Department”. Towards this end, I am asking for your assistance by completing the enclosed survey.

Please answer the enclosed survey and FAX it to me at **253-529-7205**.

Thank you for taking time out of your busy days to help me in this project by completing this survey. I appreciate your assistance.

Sincerely,

Deputy Chief Al Church

Federal Way Fire Department

APPENDIX B**Labor Relations Survey**

- 1) Does your department have a grievance procedure spelled out in the contract with your Labor Union representing the firefighters and officers?

YES

NO

- 2) Does your department currently have a Labor Relations Committee with members from both the Labor Union and Management represented on it?

YES

NO

- 3) Do members of your Management Team meet on a regular basis with members from the Labor Union Executive Board?

YES

NO

- 4) If you answered yes to Question #3, how often do you meet?

- 5) How would you best describe your Management Team's relationship with the Labor Union Executive Board? (Circle as many as you feel describe the current situation.)

ANTAGONISTIC

OPEN AND HONEST

TRUSTING

GUARDED

PROFESSIONAL

COOPERATIVE

- 6) Do you have a written policy or model which describes your relationship with your Labor Union?

If you answered yes to Question #6, would you be so kind as to FAX me a copy along with your responses on this survey.

Thank you again for your assistance in this process. Please fax your replies to:

Deputy Chief Al Church

Fax #253-529-7205

APPENDIX C

Survey Results

- 1) Does your department have a grievance procedure spelled out in the contract with your Labor Union representing the firefighters and officers?

YES **20** NO **0**

- 2) Does your department currently have a Labor Relations Committee with members from both the Labor Union and Management represented on it?

YES **15** NO **5**

- 3) Do members of your Management Team meet on a regular basis with members from the Labor Union Executive Board?

YES **16** NO **4**

- 4) If you answered yes to Question #3, how often do you meet?

Weekly: **2**

Monthly: **11**

Annually: **1**

As Needed: **2**

Do Not Meet: **4**

- 5) How would you best describe your Management Team's relationship with the Labor Union Executive Board? (Circle as many as you feel describe the current situation.)

ANTAGONISTIC

1 Response

***Response from a department meeting on a regular basis.**

OPEN AND HONEST

15 Responses

***13 of the responses from departments who meet on a regular basis.**

TRUSTING

11 Responses

***10 of the responses from departments who meet on a regular basis.**

GUARDED

5 Responses

***3 of the responses from departments who meet on a regular basis.**

PROFESSIONAL

18 Responses

***15 of the responses from departments who meet on a regular basis.**

COOPERATIVE

19 Responses

***16 of the responses from departments who meet on a regular basis.**

- 6) Do you have a written policy or model which describes your relationship with your Labor Union?

One (1) department had a policy which was in the contract and called for monthly meetings with representatives from both Management and Labor (Maple Valley Fire District). No other specificity was detailed in the language.

One (1) other department had an established “Joint Labor management Committee” which meets on a monthly basis to resolve issues and concerns raised by either party (Seattle Fire Department). This committee function was spelled out in an agreement between the parties on a citywide basis for all city departments and Unions.

APPENDIX D

Federal Way Fire Department Grievance Procedure

ARTICLE 15 - GRIEVANCE PROCEDURE

King County Fire Protection District #39 recognizes the importance and desirability of settling grievances promptly and fairly in the interest of continued good employee relations and morale and to this end the following procedure is outlined. To accomplish this, every effort will be made to settle grievances at the lowest possible level of supervision.

Employees will be unimpeded and free from restraint, interference, coercion, discrimination or reprisal in seeking adjudication of their grievances.

Section 1. Definitions

Grievance - An issue raised by an employee or the Union on behalf of itself and the employee it represents relating to the interpretation, application or violation of his/her rights, benefits or conditions of employment as contained in this Agreement. Union grievances shall be filed at Step 2 of the grievance procedure within twenty (20) working days of the occurrence of such grievance.

Class Action Grievance - An issue raised by two or more employees and related to the same interpretation, application or violation of his/her benefits or conditions of employment as contained in this Agreement. Such grievance shall be initiated at

Step 2 of the grievance procedure within twenty (20) working days of the occurrence of such grievance.

Supervisor - Shall mean the first level of supervision outside of the scope of the Bargaining Unit.

Working days - Shall mean Monday through Friday. Saturdays and Sundays and holidays shall not be counted as working days.

Section 2. Procedure

Step 1. A grievance shall be verbally presented by the aggrieved employee(s), and his/her representative if the employee(s) wishes, within twenty (20) working days of the occurrence of such grievance, to the employee's supervisor. The supervisor shall gain all relevant facts and shall attempt to adjust the matter and notify the employee in writing within seven (7) working days. If the grievance is not pursued to the next level within five (5) working days it shall be presumed resolved.

Step 2. If, after conclusion of Step 1 the grievance has not been satisfactorily resolved, the employee and his/her representative shall reduce the grievance to writing within five (5) working days, (1) outlining the facts upon which the grievance is based, (2) reference to the section or sections of the Agreement allegedly violated and (3) remedy sought. The written grievance shall then be

presented to the Chief of Operations for investigation, discussion and written reply. The Chief of Operations shall make a written decision available to the aggrieved employee (and/or the UNION in the case of Union rights) within ten (10) working days. If the grievance is not pursued to the next higher level within (10) working days, it shall be presumed resolved.

Step 3. If, after thorough evaluation, the decision of the Chief of Operations has not resolved the grievance to the satisfaction of the employee, (and/or the UNION in the case of Union rights) the grievance may be presented to the Secretary of the Board of Fire District Commissioners within ten (10) working days. The Board shall hear the grievance within forty-five (45) working days. In the absence of the Secretary, the grievance shall be presented to the Administrator. In the absence of the Administrator, the grievance shall be presented to the Chairperson of the Board. All letters, memoranda and other written materials submitted at previous hearings shall be made available for the review and consideration of the Commissioners. Either party to the grievance before the Commission may present oral argument, such to be restricted to the matter before the Commission. The Commission may interview the employee and/or his/her representative and receive additional related evidence which they deem pertinent to the grievance. Upon conclusion of the hearing, the Commission shall render a written decision within ten (10) working days. If the grievance is not pursued to the next higher level within ten (10) working days from receipt of the written decision, it shall be presumed resolved.

Step 4. If, after thorough evaluation, the decision of the Board of Fire District Commissioners has not resolved the grievance to the satisfaction of the employee, (and/or the UNION in the case of Union rights) the grievance may be presented to the Arbitration Tribunal, consisting of a person representing the Board of Fire District Commissioners, one person representing the UNION and a third person selected by the other two to act as Chairman. In the event that the two representatives cannot agree upon a third person within ten (10) working days, then either party may petition the Public Employment Relations Commission to appoint a third person. The findings of the Arbitration Tribunal shall be final and binding upon the parties. The Arbitration Tribunal shall have no power to alter, amend or change the terms and provisions of this Agreement.

The Arbitrator's fees and expenses shall be borne equally by both parties. Any Court Reporter's fees and expenses shall be borne equally by both parties if requested by the arbitration tribunal or by mutual agreement of both parties.

Each party shall bear the cost of any witnesses appearing on that parties' behalf.

Section 3. Notification

The EMPLOYER agrees to notify the grieved employee and/or his/her representative at least five (5) working days prior to any regular scheduled Commissioners meeting at which the grievance will be considered. In the event the EMPLOYER is unable to provide the minimum notice of five (5) days, the UNION may opt to accept the lesser time period of notice or defer the Step 3 hearing until a more appropriate time.

Section 4. Suspension, Reduction in Rank, Discharge

Matters involving disciplinary procedures (i.e. suspension without pay, reduction in rank and/or discharge) may be grieved through the provisions of this article if not resolved through the processes set forth in the Department's Disciplinary Procedures.

Section 5. Time Limits

Any time limits stipulated in the Grievance Procedure may be extended for reasonable periods of time by the appropriate parties by mutual agreement in writing, and the parties may by mutual agreement, waive any step or steps of the Grievance Procedure to advance said grievance in an effort to expedite the matter. Failure by the aggrieved party to comply with any time limitation of the procedure in this Article shall constitute withdrawal of the grievance. Failure of the EMPLOYER to comply with any time limitation of the procedure in this Article shall advance the grievance to the next step of the grievance procedure.

Section 6.

Any issue processed as a grievance by an employee or the Union may not also be processed in any other forum. Any issue processed in any other forum by an employee or the Union may not also be processed as a grievance. This is providing that jurisdiction is not refused when seeking remedy outside the grievance procedure, and is not intended to limit an employee's rights within applicable law.

APPENDIX E

FEDERAL WAY FIRE DEPARTMENT LABOR-MANAGEMENT LEADERSHIP COMMITTEE

Statement of Purpose

The Labor-Management Leadership Committee will be a forum for communication and cooperation to support our joint mission to deliver high quality, cost effective service to the citizens of Federal Way while maintaining a high quality work environment for Department employees.

The members of the Committee acknowledge that both labor and management bring value, talent, and the resources necessary to provide excellent public service for the citizens of Federal Way.

The Committee will promote a joint understanding of the problems, challenges, and opportunities facing the Department, the unions, and the workforce, and will seek ways to jointly and responsibly address these issues. The Committee possesses the will and the authority to make recommendations to attempt to address these issues.

This agreement is consistent with the following mutual interests:

To improve our labor-management relationship.

To provide a supportive, productive, challenging, high-quality work environment in which all employees are treated with dignity and respect and are valued for their individual and team contributions.

To generate gains in efficiency, effectiveness, and accountability in service delivery through departmental policies and programs that are economically feasible and beneficial to the citizens of Federal Way.

We will continually strive to achieve our vision of a successful and mutually beneficial labor-management relationship. As we make progress and institute changes to achieve that vision, the form of this document may change over time.

Principles of the Relationship

The Joint Labor-Management Leadership Committee members provide the leadership necessary to create a department-wide labor-management relationship based on mutual interests, respect, and trust. Toward this end, we will strive to:

- listen to each other
- respect each other
- trust each other
- take responsible risks
- communicate openly and candidly

- endeavor to understand each other's interests
- seek out and share reliable, quality information on costs and operations
- share a vision of long-term commitment to a reliable relationship

Functions of the Committee

The main functions of the Committee are to:

- solve problems
- facilitate high level, face to face communication between labor and management leaders
- provide a constructive place for early discussion of operational problems, plans, and ideas
- gather and share information on issues of mutual concern
- build consensus for a focused, achievable, joint action agenda
- research and explore new models and approaches for collaboration
- provide leadership and guidance to other labor-management committees

The Committee will be selective in focusing our efforts and choose wisely among issues that will benefit from the attention of the Committee. On a practical level, this means we will jointly define goals, set priorities and develop a work plan on a periodic basis. We will identify a select number of specific challenges and opportunities for "priority focus," and designate appropriate timelines, responsibilities and resources to achieve desired results. We will also exercise flexibility in our agenda and work plan, and be responsive to emerging issues.

It is the responsibility of individual Committee members and the labor and management caucuses to communicate, in a timely and effective manner, all recommendations that affect their relative constituencies. The Committee will establish a communication link with other labor- management efforts.

It is not the intended purpose or function of this Committee to address and resolve specific subjects of collective bargaining. It is reasonable to presume that on occasion and with the consensus of the Committee, subjects covered by formal collective bargaining may be discussed. Such discussions are not intended to usurp in any way the rightful authority of particular labor or management negotiators, the integrity of the collective bargaining process, or the rights and responsibilities of labor or of management. The parties agree that the meetings and discussions of this committee shall not constitute collective bargaining.

Membership of the Committee

The members of the Committee will consist of representatives of management chosen by the management team, representatives of the union chosen by the union, and representatives from the Board of Commissioners chosen by the Chairperson of the Board of Commissioners.

The management and Commissioner caucus will include, at minimum: one commissioner and two management representatives with a maximum of five total management representatives. It is understood and agreed that the numbers of labor and management representatives need not be equal.

The Union will appoint a minimum of three labor representatives (maximum equal to the number of management representatives) to the Committee.

The Committee will have two Co-Chairs: one representing labor, chosen by the labor representatives, and one representing management, chosen by the management representatives.

Committee representatives from management and the union shall normally be appointed for a one year period. Committee representatives from the Board of Commissioners may rotate on a normal basis to expose the entire Board to the functioning of the Committee. However, it is desired that the same members from the Commissioners attend on a regular basis if directly involved in an issue being worked on by the Committee.

No alternates or substitutes for regularly appointed members will be allowed, unless a majority of the Committee makes a special exception. This may include a periodic rotating or changing of designated members.

Additional resource people may be invited to attend meetings for informational purposes, but will not participate in decision making by the members of the Committee.

Ground Rules, Decision Making and Operational Responsibilities

Decisions or recommendations will be made by consensus. Consensus means reaching a recommendation acceptable enough that all members can support it and no member opposes it. The positions of individual members may reflect varying degrees of enthusiasm for the team recommendation, but all Committee members agree to support Committee recommendations. When consensus involves a tentative agreement to be brought to labor ranks and/or management, we will have agreed only to those proposals which we can recommend to our constituents and for which we believe there is a reasonable chance to acquire constituent approval. Decisions or recommendations will not be made without documented consensus on the issue. No active grievances shall be discussed and no bargaining of issues covered by the labor contract shall take place. Nothing stated in the meeting or in the minutes will be used by either party in a grievance or arbitration hearing or other contested hearing or legal proceeding.

Conflict resolution. The Committee may establish conflict resolution processes.

Agenda. Any member of the Committee may suggest an agenda item to either of the Co-Chairs. The Co-Chairs will confer prior to any full Committee meeting to jointly determine the agenda for the upcoming meeting. Other items may be added to the agenda by consensus at the beginning of a meeting, as circumstance requires.

Staffing. The work of the Committee will be supported by the Personnel Coordinator. The Personnel Coordinator will be responsible for the production and distribution of

meeting agendas and materials, logistical facilitation for meetings, and overseeing the timely completion of tasks by the staff. The Committee may designate additional staff, including union representatives, and/or other resources for specific tasks or ongoing work.

Subcommittees. The Committee may designate sub-committees or working groups to review issues and draft proposals for consideration by the Committee. Membership in subcommittees or working groups need not be limited to members of the Committee.

Meetings. Regular meetings will be scheduled for the last Friday of each month from 9:00 AM to 11:00 AM. The regular location of the meetings will be the station 2 meeting room. Special meetings may be called upon joint agreement by the Co-Chairs.

Minutes. The Personnel Coordinator will maintain a record of decisions, recommendations, attendance, and brief synopses of issues discussed at each meeting. The draft minutes will be reviewed for accuracy and appropriateness by the Co-chairs prior to distribution.

Facilitation and Training. The Committee will engage the services of a professional to facilitate on an as-needed basis. The Committee will determine the need for on-going facilitation, training (e.g. communication skills, conflict resolution, etc.), or other specialized services.

Media. The Co-Chairs of the Committee will serve as official spokespersons and will agree on statements to the media on the joint work of the committee. It is understood and agreed that any individual member of the Committee, or any other representative of either management or labor, will confer and communicate with the Co-Chairs prior to any media release which concerns the work of the Committee. There may be times when, by mutual agreement of the Committee, communication with the media may be more restricted.

Resources. The Committee will commit the staffing resources as outlined above. Joint payment for facilitation, training, or other specialized services will be negotiated on a case by case basis.

Participation. Participation in this and affiliated labor-management committees does not constitute a waiver, by any party, of collective bargaining and arbitration rights.

Agreed to this _____ day of _____, 1999 by the undersigned.
